

REMARKS/ARGUMENTS

Status of the Claims

Prior to entry of this Amendment, claims 1-50 were pending in the application. An office action mailed April 10, 2007 rejected all pending claims on a variety of grounds, as discussed in detail below. This amendment amends claims 1, 4, 35, 36, 38, 39, 45 and 46 and cancels claims 2 and 3. No claims have been added. Therefore, after entry of this amendment, claims 1 and 4-50 remain pending for examination.

Amendments to the claims

Claim 1 has been amended to recite “ascertaining, based on the cursor position, an accessibility context associated with the cursor position.” Claims 36, 38, 39, 45 and 46 have been amended in similar fashion. Support for these amendments can be found throughout the application, including specifically in paragraph 0056.

Claim 1 also has been amended to recite that “the accessibility context has an accessibility role that defines a set of properties, including at least one program method, associated with the accessibility context, wherein the identified component comprises the set of properties.” Claims 38, 39, 45 and 46 have been amended in similar fashion. Support for these amendments can be found throughout the application, including specifically, in paragraphs 0056-0058, as well as claims 2 and 3, and the portions of the specification supporting those claims. (Claims 2 and 3, correspondingly, have been canceled without prejudice or disclaimer.

Claims 35 and 46 have been amended to recite “legal requirements for accommodating persons with disabilities.” Support for this amendment can be found, *inter alia*, in original claims 35 and 46, as well as the portions of the specification supporting those claims.

Claim 44 has been amended to recite “a computer readable medium encoded with a data structure.” Support for this amendment can be found throughout the specification, including in particular in paragraphs 0046, 0047 and 0084 of the application.

Claim 46 has been further amended to recite “reporting, to a user, a result of an analysis of the object.” Support for this amendment can be found throughout the application, including, *inter alia*, in paragraph 0075.

Rejections under 35 U.S.C. § 112, ¶ 2

Claims 35 and 46-50 have been rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the office action objected to the recitation of the Americans with Disabilities Act in claims 35 and 46. Claims 35 and 46 have been amended to remove reference to the American's with Disabilities Act. Applicants respectfully submit that the amendment to claims 35 and 46 overcomes this rejection. Accordingly, Applicants respectfully request that the rejection of claims 35 and 46-50 be withdrawn.

Rejections under 35 U.S.C. § 101

Claims 44, 46 and 48-50 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 44 has been amended to recite a “computer readable medium encoded with a data structure,” as suggested by the office action. It is believed that this amendment addresses the § 101 rejection of claim 44, and reconsideration of that claim is respectfully requested.

Claims 46 and 48-50 have been rejected as failing to recite any functional or tangible result. Claim 46 has been amended to include the result of “reporting, to a user, a result of an analysis of the object. Applicants respectfully submit that this amendment overcomes the rejection of claims 46 and 48-50. Reconsideration of these claims, therefore, is respectfully requested.

Rejections under 35 U.S.C. § 102

The office action rejected claims 1-18, 20-34, and 36-45 under U.S.C. § 102(b) as being anticipated by U.S. Patent 5,475,843 to Halviatti et al. (hereinafter, “Halviatti”). These

rejections are respectfully traversed, and it is submitted that the claims, at least as amended, are allowable over Halviatti.

Halviatti generally discloses a computer-based training (“CBT”) system which uses meta-messages to convey information about a particular event within the system. Halviatti, Abs. The CBT system is configured to execute a series of scripted user defined instructions in connection with a target application in order to establish control over the behavior and actions of the target application. *Id.*, col. 2, ll. 31-37. The user defined instructions cause particular events to occur, where the events are associated with a class. Each class includes an inheritance tree and a list of properties. *Id.*, col. 19, lines 8-11.

1. Halviatti does not teach ascertaining an accessibility context based on a cursor position.

In contrast, amended independent claim 1 is directed to a method of testing a software program using an accessibility context of a component within the program. As such, claim 1 provides much more robust testing options than those contemplated by Halviatti.

Merely by way of example, claim 1 recites, *inter alia*, “determining a cursor position,” and “ascertaining, based on the cursor position, an accessibility context associated with the cursor position.” The office action recites col. 13, line 32 and col. 10, lines 55-57, respectively, of Halviatti as teaching these elements. Although Halviatti might be interpreted as teaching the determination of a cursor position by using messages to indicate that a mouse cursor is entering or leaving a window, *e.g.*, Halviatti, c. 13, ll. 13-32, Halviatti provides no teaching or suggestion that the cursor position is used to ascertain an accessibility context.

In fact, the portion of Halviatti recited as teaching ascertaining an accessibility context has nothing to do with a cursor position. Instead, that passage teaches that button events are trapped from processing by an application translation unit. *Id.*, c. 10, ll. 55-57. As one skilled in the art would appreciate, a button event is a property of the button itself and is not inherently related to the position of a cursor. Highlighting this fact, the office action fails to identify any disclosure in Halviatti that even suggests that the mouse cursor messages disclosed in column 13 have anything to do with the button event trapping disclosed in column 10. To support a

rejection under § 102, “the elements [disclosed in the reference] must be arranged as required by the claim.” MPEP § 2131. The office action fails to meet this requirement, because it provides no evidence of any connection between Halviatti’s alleged disclosure, respectively, of “determining a cursor position” and “ascertaining, based on the cursor position, an accessibility context associated with the cursor position. For at least this reason, the office action has not established that Halviatti anticipates claim 1.

2. Halviatti does not teach an accessibility context with an accessibility role.

Moreover, claim 1 recites, in pertinent part, “identifying a component by reference to [an] accessibility context, wherein the accessibility context has an accessibility role that defines a set of properties, including at least one program method, associated with the accessibility context, wherein the identified component comprises the set of properties” (emphasis added). The Office Action asserts that Halviatti, at column 10, lines 55-67 and column 19, lines 10-11, discloses identifying components by referencing an accessibility context, and that the identified component includes a set of properties. Office Action, at 4-5. A review of those passages (as well as the remainder of Halviatti), however, fails to reveal any such disclosure. Instead, column 10, lines 55-67 discloses that “a link is established to an individual resource or control by indicating a selected one of its Windows class name.” Applicants submit that establishing a link to a resource by indicating its Windows class name is not the same as identifying a component by referencing an accessibility context. One skilled in the art would appreciate that an accessibility context has nothing to do with a Windows class name.

First, Halviatti further discloses that establishing a link to the resource merely allows the system to control various events and determine types of messages to be created in relation to the resource, as opposed to identifying the component by referencing an accessibility context, as recited by claim 1. (Indeed, there is no indication in Halviatti that a Windows class name might even provide an accessibility context for a component.) Second, the list of properties disclosed in Halviatti are class properties and not properties which define an accessibility role, as in claim 1. For example, a programming language class (e.g. class

SHARDED _CLASS EventInfo) referred to in Halviatti includes a list of properties (e.g. virtual int WindowsId(), *id.*, col. 19, lines 27-39; however, such properties are not used to identify the class but merely define various functionalities of the class. As a result, Applicants respectfully submit that Halviatti's list of properties are not the same, and do not have the same functionality as, claim 1's set of properties, and Halviatti therefore fails, on at least this additional ground to anticipate claim 1.

3. Halviatti does not disclose replaying an event by calling a program method defined by an accessibility role.

Furthermore, while Halviatti does mention that "a sequence of events can be recorded (e.g., using a tool similar to MS-Windows Recorder) for later reply," Halviatti, c. 18, ll. 36-40, it does not disclose, as recited by claim 1, "replaying an event by calling a program method defined by an accessibility role for the object." The bare disclosure in Halviatti that events can be recorded falls far short of teaching the recited element. It is well-known that events can be recorded in many operating system environments using specialized recording tools. However, claim 1 is limited to "replaying an event by calling a program method defined by an accessibility role for the object." In other words, the method recited by claim 1 does not merely record events, but it replays events by calling a program method, effectively re-generating the event, not simply replaying a previously recorded event.

Halviatti contains no teaching or suggestion of this functionality, which provides benefits not available with the "recording" feature of Halviatti. The replay procedure recited by claim 1, for example, can allow for enhanced testing, by allowing the user to modify a component during replay, such as by rolling back the properties of a dysfunctional component to a last known good state, to allow testing to continue under simulated normal conditions. *See* Application, ¶ 0072. Hence, for at least this additional reason, Halviatti fails to anticipate claim 1.

For at least these reasons, claim 1 is believed to be allowable over Halviatti. Independent claims 36, 38, 39 and 45 recite similar elements to some of those described above with respect to claim 1 and therefore are believed to be allowable for at least similar reasons.

Claim 44 is directed to a computer readable medium encoded with a data structure that can be sued to test a software program. Claim 44 recites that “each component compris[es] an accessibility context capable of identifying that component within the software program.” Claim 44 further recites “the accessibility role defining a set of properties, including at least one program method, associated with the component,” and that “if the object’s accessibility context matches the component’s accessibility context, an event can be replayed by calling a program method associated with an accessibility role for the object.” As noted above, Halviatti does not disclose either an accessibility context, as recited by claim 44, or that an event can be replayed by calling a program method associated with the accessibility role. Accordingly, it is believed that Halviatti also fails to anticipate claim 44, and that claim 44 therefore is allowable over Halviatti as well.

Dependent claims 4-18, 20-34, 37, and 40-43 each ultimately depend from either claim 1, claim 36, claim 39, or claim 46, and therefore are believed to be allowable over Halviatti at least by virtue of their dependence from allowable base claims.

Rejections under 35 U.S.C. § 103

The office action also rejected claims 19, 35, and 46-50 under U.S.C. § 103(a) as being unpatentable over Halviatti. These rejections are respectfully traversed as well. Claims 19 and 35 depend from claim 1 and are believed to be allowable over Halviatti at least by virtue of that dependence.

Claim 46 recites, *inter alia*, “determining a cursor position” and “ascertaining, based on the cursor position, an accessibility context associated with the cursor position.” As noted above Halviatti fails to teach or suggest this arrangement of elements. Claim 46 also recites “identifying a component by reference to the accessibility context, wherein the

accessibility context has an accessibility role that defines a set of properties, including at least one program method, associated with the accessibility context, wherein the identified component comprises the set of properties. As noted above, As noted above, Halviatti does not disclose either an accessibility context with an accessibility role. For at least these reasons, Halviatti fails to anticipate claim 46, and claim 46, therefore, is believed to be allowable over Halviatti on this bases alone. Claims 47-50 are believed to be allowable at least by virtue of their dependence from claim 46.

In addition, however, claim 35 recites analyzing the event to determine whether the component complies with legal requirements for accommodating persons with disabilities,” and claim 46 recites “analyzing the object to evaluate the component’s compliance with legal requirements for accommodating persons with disabilities.” The office action takes the position that “it would have been obvious to one of ordinary skill in the art to check complaince [sic] of a software system with federal laws such as ADA to ensure compliance.” Office Action, at 7. The applicants respectfully disagree.

To establish a *prima facie* case that a claim is unpatentable under § 103, the Office must show, *inter alia*, that there is “a reasonable expectation of success” in the combination or modification of references. MPEP § 2143. “[T]he reasonable expectation of success . . . must be found in the prior art, not in the applicant’s disclosure.” *Id.* Even assuming one skilled in the art might have reason to modify Halviatti to test for compliance with legal requirements for accommodating persons with disabilities, there is no disclosure in Halviatti that would enable one to do so with any reasonable expectation of success.

In fact, as the Application discloses, it is the novel use of an accessibility context, in accordance with the invention recited by claims 35 and 46, that allows for such testing. *See, e.g.*, Application, ¶¶ 0028-30. Since Halviatti provides no teaching or suggestion that an accessibility context might be used in the course of Halviatti’s techniques, it is difficult to see one might implement Halviatti’s system (or even modify Halviatti’s system) to test for compliance with legal requirements for accommodating persons with disabilities. It is only through the hindsight use of the recited invention’s novel features that one skilled in the art would be able to produce such a system with any hope of success.

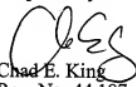
Consequently, the office action has failed to establish a *prima facie* case that either claim 19 or claim 46 is obvious in light of Halviatti. Accordingly, claims 35 and 46 are believed to be allowable for at least this addition

CONCLUSION

In view of the foregoing, the applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



Chad E. King
Reg. No. 44,187

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
CEK:jep
61066533 v1